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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,428	03/10/2004	Siegfried Bocionek	2003P03504 US01	4417
<div>7590 Alexander J. Burke Intellectual Property Department 5th Floor 170 Wood Avenue South Iselin, NJ 08830</div>				
EXAMINER				
PHONGSVIRAJATI, POONSIN				
ART UNIT		PAPER NUMBER		
3686				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/797,428

**Applicant(s)**

BOCIONEK ET AL.

**Examiner**

SIND PHONGSVIRAJATI

**Art Unit**

3686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

1. In response to communications filed on 11/24/2008, claims 1,15, 16, and 18-19 are currently amended, claim 20 is new, claims 1-20 are now currently pending.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 6,032,119) in view of Summerell et al. (US 5,937,387).
3. As to **Claim 1**, Brown teaches a system for providing a user with preventive care health maintenance information during a user's lifetime (Abstract), comprising:
  - α. a stored medical record of a particular user (Abstract);
  - β. a repository of health maintenance guidelines and associated time information customized for said particular user based on a health condition (Abstract);
  - χ. a processor for employing said guidelines and associated time information and retrieved medical record information of said particular user to initiate generation of a message at a particular time, said message prompting said

particular user to initiate action in support of preventive care health maintenance of said particular user (Abstract, Fig. 5E-G); and

δ. a communication processor for processing said message for output communication (Abstract, Fig. 5E-G).

But Brown does not specifically disclose a repository of health maintenance guidelines and associated time information customized for said particular user based on characteristics including, age and sex. Summerell does teach a repository of health maintenance guidelines and associated time information customized for said particular user based on characteristics including, age and sex, along with health condition (Summerell, Abstract, col. 3 lines 59-67, col. 11 lines 19-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to have included a health maintenance guideline to be made based on age and sex, along with health condition for the motivation of developing a customized wellness plan as desired by Brown and Summerell (Abstract)

4. As to **Claim 2**, Brown teaches a system according to claim 1, wherein said message prompts a healthcare provider to initiate action in support of preventive care health maintenance of said particular user (Fig. 4E, col. 2 line 65 to col. 3 line 2), and said communication processor processes said message for output communication to said healthcare provider (Fig. 4E, col. 2 line 65 to col. 3 line 2).

5. As to **Claim 3**, Brown teaches a system according to claim 2, wherein said message prompts a healthcare provider to at least one of, (a) schedule an appointment

for a healthcare related visit, (b) initiate preparation of a renewed prescription, and (c) obtain a financial record associated with a healthcare (col. 6 lines 38-45)

6. As to **Claim 4**, Brown teaches a system according to claim 1, wherein said message prompts said particular user to at least one of, (a) schedule an appointment for a healthcare related visit, (b) confirm acceptance of a scheduled appointment for a healthcare related visit, (c) access a message from a healthcare provider, (d) selecting a healthcare provider to provide a particular service, (e) a reminder to attend a scheduled appointment, (f) a reminder to take medication, (g) a reminder to renew a prescription, (h) a reminder to obtain a financial record associated with a healthcare related visit, (i) a dietary related reminder, and (j) a physical exercise related reminder (claim 32, Fig. 5A-B).

7. As to **Claim 5**, Brown teaches a system according to claim 1, wherein said processor initiates generation of said message prompting said particular user to initiate a plurality of actions in a prescribed and ordered sequence (col. 4 lines 42-48, col. 5 lines 10-17).

8. As to **Claim 6**, Brown teaches a system according to claim 1, wherein said processor initiates generation of a plurality of messages at a corresponding plurality of different times prompting said particular user to initiate a plurality of actions in a prescribed and ordered sequence (col. 4 lines 42-48, col. 5 lines 10-17).

9. As to **Claim 7**, Brown teaches a system according to claim 1, wherein said repository of health maintenance guidelines is customized for said particular user based

on a health condition characteristic comprising at least one existing medical condition of said particular user (Abstract), and said processor initiates generation of a message at a particular time in response to a treatment regimen associated with said at least one existing medical condition (Abstract, Fig. 5E-G).

10. As to **Claim 8**, Brown teaches a system according to claim 1, wherein said repository of health maintenance guidelines is customized for said particular user based on at least one module determining guidelines associated with one or more of, (a) a specific disease, (b) a specific medical condition, (c) a particular anatomical part, and (d) a particular anatomical function (Abstract).

11. As to **Claim 9**, Brown teaches a system according to claim 1, wherein information comprising said repository of health maintenance guidelines is at least one of, (a) received via encrypted communication from a remote location in response to a user command, and (b) pre-stored in one or more files in a device hosting said system (col. 6 lines 30-45).

12. As to **Claim 10**, Brown does not specifically disclose a system according to claim 1, wherein said repository comprises guidelines and associated time information identifying preventive care activities for performance by said particular user at particular times during an entire remaining user lifetime for maintaining health of said particular user. Summerell does teach wherein said repository comprises guidelines and associated time information identifying preventive care activities for performance by said particular user at particular times during an entire remaining user lifetime for maintaining

health of said particular user (col. 9 lines 32-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to identify preventive care activities for performance by said particular user at particular times during an entire remaining user lifetime for the same motivation as in claim 1.

13. As to **Claim 11**, Brown teaches a system according to claim 1, wherein said processor employs said guidelines and associated time information by testing characteristics of said retrieved medical record information against criteria in said guidelines and initiating generation of a message in response to an outcome of said testing (col. 6 lines 38-45, Fig. 5D).

14. As to **Claim 12**, Brown teaches a system according to claim 11, wherein said processor employs said guidelines and associated time information by testing data received from at least one of, (a) said particular user, and (b) a healthcare provider (col. 6 lines 38-45, Fig. 5D).

15. As to **Claim 13**, Brown teaches a system according to claim 1, including an adaptation processor for modifying said guidelines in response to at least one of, (a) a received message identifying an update to preventive care medical information used in said guidelines, and (b) user editing of said guidelines (col. 6 lines 38-45).

16. As to **Claim 14**, Brown teaches a system according to claim 1, including a monitor for monitoring implementation of preventive care health maintenance and identifying to a user via a message at least one of, (a) a record of failure to attend

appointments, and (b) a record of failure to respond to data entry prompts (col. 7 lines 6-8).

17. As to **Claim 20**, Brown teaches a system according to claim 1, wherein said at least one action to be take by said particular user in supporting preventative care health maintenance is at least one of (a) an action supporting prevention of the manifestation of a disease, (b) an action supporting avoidance of disease specific complications, (c) an action supporting early recognition of disease specific complications, (d) an action supporting early treatment of disease specific complications, and (e) an action supporting avoiding recurrences of disease specific complications (Abstract)

18. As to **Claim 15-19**, claims 15-19 recite substantially similar limitations to claims 1-14 and are therefore rejected under the same rationale and reasoning.

### ***Response to Arguments***

19. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

20. The claim objection to claim 11 has been removed given Applicant's correction.

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIND PHONGSVIRAJATI whose telephone number is (571) 270-5398. The examiner can normally be reached on Monday - Thursday 8:00am-5:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/S. P./  
Examiner, Art Unit 3686

27 February 2009

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 3686